

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2677 - HB 3735

March 11, 2012

SUMMARY OF BILL: Prevents a governing body from holding a series of gatherings with less than the required number of members for the purpose of avoiding compliance with the open meetings law.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tenn. Code Ann. § 8-44-102(b)(2) defines a “meeting” for purposes of the open meetings act as “the convening of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.”
- The bill makes clear that multiple members of a governing body are not permitted to meet routinely in groups that consist of less than the number required for a quorum in order to make a decision or deliberate toward a decision, when the purpose of the gatherings is to avoid compliance with Tenn. Code Ann. § 8-44-101 et seq.
- According to the Comptroller of the Treasury, governing bodies are aware that courts in Tennessee have found that such meetings without a quorum present is an “informal assemblage” which is also a meeting as defined in Tenn. Code Ann. § 8-44-102(b)(2) and that failure to provide adequate public notice of these meetings and to allow the public to be present at these meetings is a violation of the open meetings law. Based upon the holdings, governing bodies are not utilizing this practice.
- No fiscal impact on local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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